

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 SSO-00 USIE-00 CIAE-00 DODE-00 PM-04

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 1673

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EO 11652: GDS

TAGS: PINT, KS

SUBJECT: KIM TAE CHUNG CHARGES ROKG WITH OPPOSING  
WORLD TREND TOWARD POLITICAL LIBERALIZATION AT  
SECOND TRIAL

SUMMARY: KIM TAE CHUNG DOMINATED FIRST SESSION OF HIS  
APPEAL TRIAL FOR ELECTION LAW VIOLATION, AND REQUESTED TRIAL  
POSTPONMENT. COURTROOM WAS MORE DEMONSTRATIVE IN SUPPORT  
FOR KIM THAN IN ANY RECENT SESSION. END SUMMARY

1. AT FIRST SESSION OF APPEAL BY KIM TAE CHUNG OF HIS  
CONVICTION FOR VIOLATION OF ELECTION LAW DURING 1967-68  
ELECTION CAMPAIGN ON JANUARY 22, PROCEEDINGS WERE LARGELY  
TAKEN UP BY LENGTHY STATEMENT BY KIM TAE CHUNG QUESTIONING  
THE PROPRIETY OF HOLDING TRIAL AT ALL. KIM ASKED THAT TRIAL  
BE POSTPONED BECAUSE:

(A) HE IS ALREADY SERVING 5 YEAR SENTENCE FOR EM 9 VIOLATION,

(B) UNDER PRESENT POLITICAL ATMOSPHERE DEFENSE CANNOT OBTAIN  
WITNESSES,

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(C) NO PRACTICAL OR LEGAL GAIN CAN BE EXPECTED FROM TRIAL,

(D) TRIAL IS POLITICAL RETALIATION,

(E) ELECTION LAW VIOLATIONS DURING SAME PERIOD WERE MUCH  
MORE RAMPANT ON GOVERNMENT PARTY SIDE (GULF OIL CASE),

(F) ELECTION LAW UNDER WHICH KIM BEING TRIED HAS BEEN ABOLISHED, THUS TRIAL UNCONSTITUTIONAL,

(G) TRIAL CONTRADICTS WORLD TREND TOWARD LENIENT TREATMENT OF POLITICAL PRISONERS IN SUCH DISPARATE PLACES AS INDIA AND EVEN USSR SINCE ELECTION OF PRESIDENT CARTER. KIM ASKED THAT TRIAL BE PUT OFF UNTIL WITNESSES CAN TESTIFY FREELY AND JUDGES CAN MAKE INDEPENDENT RULINGS. PROSECUTION OBJECTED AND ASKED THAT TRIAL PROCEED AS SCHEDULED. KIM ALSO CRITICIZED PRESIDENT PARK'S WILLINGNESS TO SEE U.S. TROOPS WITHDRAWN FROM KOREA IN CONJUNCTION WITH HIS PROPOSAL FOR ROK-DPRK NON AGGRESSION TREATY, CITING GERMAN CASE, WHERE WEST GERMANS REMAIN UNALTERABLY OPPOSED TO U.S. FORCE WITHDRAWAL.

2. COURT ADJOURNED SESSION AFTER ONE HOUR, SETTING NEXT SESSION FOR JANUARY 29 WHEN THE THREE JUDGES WILL RULE ON POSTPONEMENT REQUEST. KIM'S LAWYER TOLD EMBASSY EMPLOYEE WHO WAS PRESENT AT TRIAL THAT IF COURT REJECTS REQUEST FOR POSTPONEMENT, KIM IS LIKELY TO BOYCOTT FUTURE PROCEEDINGS.

3. AUDIENCE CONSISTED OF ABOUT 120 PERSONS, INCLUDING MRS. KIM TAE CHUNG, DR. AND MRS. CHUNG IN HYONG DUP PRESIDENT YANG IL TONG, AND ABOUT 20 DOMESTIC AND JAPANESE PRESS REPRESENTATIVES. SPECTATORS WERE NOTICEABLY MORE UNRULY THAN IN ANY RECENT TRIAL SESSIONS, INCLUDING MYONGDONG TRIAL. THEY SANG NATIONAL ANTHEM BEFORE JUDGES ENTERED AND SHOUTED ENCOURAGEMENT TO KIM AND OCCASIONAL CRITICISM OF PROSECUTORS. AFTER TRIAL, KIM ENTERED PRISON BUS TO CHEERS OF THRONG OF SPECTATORS.

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## Message Attributes

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